

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ARTHUR R. MORALES,

Plaintiff,

-vs-

No. CIV 97-0350 LH/DJS

LOCKHEED MARTIN CORPORATION,
SANDIA CORPORATION, SANDIA NATIONAL
LABORATORIES, BOBBIE V. WILLIAMS,
ANTHONY L. THORNTON, CHARLES E.
EMERY, C. PAUL ROBINSON, and EDWARD D.
GRAHAM,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Plaintiff's Motion for Interlocutory Appeal of the Partial Summary Judgment Order (Docket No. 113), filed April 6, 1999. The Court, having considered the Motion, the accompanying memoranda, and the applicable law, and otherwise being fully advised, finds that the Motion is not well taken and will be **denied**.


Plaintiff seeks to appeal the Court's oral ruling at the hearing on March 25, 1999, granting partial summary judgment to Defendant Sandia Corporation. Plaintiff's *pro se* pleadings must be liberally interpreted, *Haines v. Kerner*, 404 U.S. 519, 520 (1972), but the Court should not "assume the role of advocate," *Northington v. Jackson*, 973 F.2d 1518, 1521 (10th Cir. 1992)(citing *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991)).

As Defendant notes, Plaintiff's Motion is premature; it was filed prior to the entry of the Order granting in part Defendant Sandia Corporation's Motion for Summary Judgment. Additionally,

that Order, which was entered April 16, 1999, was not a final order for purposes of appeal. Furthermore, the Court is not of the opinion that the Order “involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation,” pursuant to 28 U.S.C. § 1292.

WHEREFORE,

IT IS HEREBY ORDERED that Plaintiff’s Motion for Interlocutory Appeal of the Partial Summary Judgment Order (Docket No. 113), filed April 6, 1999, is **DENIED**.



UNITED STATES DISTRICT JUDGE